

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the application of: Keller et al.

Serial No.: 10/808,264

Filed: 03/17/2004

For: OLIGOMERIC HYDROXY ARYLETHER PHTHALONITILES AND SYNTHESIS
THEREOF

Examiner: Truong, Duc

Art Group Unit: 1711

July 5, 2006

REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer of 05/10/2006. All remarks are in addition to and not a replacement of the arguments in the appeal brief.

ARGUMENT

- A. Claims 1 and 2 recite subject matter that is not anticipated by Keller under 35 U.S.C. § 102(b) as the reference is not enabling

The Examiner's answer does not address the declaration of Teddy M. Keller submitted by Applicants on 03/03/2005 and discussed in every substantive reply, including the appeal brief. In the Response to Argument, the Examiner characterized Applicants' arguments as stating that the references do not disclose the claimed structure where x is 7, 8, 9, and 10 (page 4, line 21- page 5, line 1). However, Applicants are arguing that the reference does not enable these disclosed structures. The declaration is directed to this point.

The Examiner also pointed out that claim 1 does not require that the ether be derived from a phenol (page 5, lines 1-3). However, Applicants' arguments are directed to the recited polyaromatic ether structure without regard to the end groups, whether they be hydroxyl groups or phthalonitrile groups. Diols are discussed because they are disclosed in the references.

- B. Claims 22, 23, 26, 27, 56, and 58 recite subject matter that is not unpatentable under 35 U.S.C. § 103(a) over Matzner

In his answer, the Examiner stated that the words "with or without" in the recited definition of Ar leaves the claim open to any conditions and is not limited to "one or more non-fused aromatic rings without intervening functional groups." (Page 5, lines 10-15.) However, "containing one or more fused aromatic rings, one or more non-fused aromatic rings without intervening functional groups, or combinations thereof" modifies "radical," rather than "substituents." Thus, the radical may not contain an intervening carbonyl group between aromatic groups. No limitation is placed on any substituents, and it is commonly known that a substituent on an aromatic ring substitutes for a hydrogen atom. It is possible that a substituent may contain a carbonyl group, but this would not be an intervening group in the radical. The Examiner's interpretation would label a carbonyl inserted into the middle of a biphenyl as a substituent, though it substitutes for no other group.

CONCLUSION

For the reasons stated above, reversal of the rejections under 35 U.S.C. §§ 102 and 103 is earnestly solicited.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



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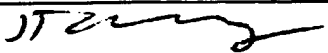
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/808,264-Conf. #4783	
	Filing Date	March 17, 2004	
	First Named Inventor	Teddy M Keller	
	Art Unit	1711	
	Examiner Name	D. Truong	
Total Number of Pages in This Submission	3	Attorney Docket Number	96200-US1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Remarks</td> <td>Reply Brief</td> </tr> </table>			Remarks	Reply Brief
Remarks	Reply Brief			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	US NAVAL RESEARCH LABORATORY		
Signature			
Printed name	Joseph T. Grunkemeyer		
Date	July 5, 2006	Reg. No.	46,746

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted electronically to the Patent and Trademark Office on the date shown below.

Dated: 7/5/06

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